

1877-002 Chancery Causes: Daniel D. Martin vs. Christian M. France &
Lee Co.

CA - Debt

To the Hon: Henry J. Morgan, Judge of the County Court of Lee County,
the bill of complaint of Daniel D. Martin respectfully represents:

That on the third day of March 1862 one Christian M. France was indebted to your orator in the sum of Two hundred dollars, then due, for which on that day he executed to your orator his note of hand bearing date on the day and year aforesaid, and signed with his own proper name by his own hand, by which he acknowledged himself to owe this ^{complainant} ~~superior~~ the said sum of \$200.- for value received, & that the said sum of money was then due. The said note is herewith filed as part of this bill, marked (A). Your orator resides in the State of Missouri; and the said France has been for many years leading an unsettled life. Your orator is informed, that William S. Martin, of this County of Lee, is indebted to said France in a considerable sum of money; and the said France is interested in right of his wife in real property in this County of but little value, but your orator is informed & believes, that that real property has been already some time ago, by suits in the Circuit Court of this County, laid hold upon by other & older creditors — so that your orator does not know of any fund out of which he can make said debt but the debt due to France from said Martin. The said France is not a resident of the State of Virginia.

The prayer of your orator therefore is, that the said Christian M. France and William S. Martin be made parties defendant to this bill, and be required to answer the same upon oath; that the said Martin particularly say in his answer how much he is indebted to said France, & whether or not, & when, the same was due, or will be; ~~that he be~~ that the said Martin, untill the future order of the Court, be restrained from paying to said France the whole amount of his said debt, but be required to retain enough in his hands to discharge the said debt due to your orator, & its interest, & the costs of this suit; that upon a final hearing of this cause, your honor render a decree in your orator's favor against said France for his debt aforesaid

with interest thereon from the 3rd day of March 1862 till paid
& the costs of this suit, & that the same be paid to him by the said
Martin out of the debt due from him to said France; And that your
honor will extend to him such other & general relief as belongs to
Equity & may be suited to his case. May it please your Honor to grant
the Committee's writ of Sp'ie directed &c.

Johnston, for capt.

Barl. D. Marten

55. Bill - Chy.

C. M. France

Note filed.

1872. Night Bird. Chased in the woods on

Sept. 11th Martin & Lucree Nise.

11 June, Decree. Day Camp & Cont.

July, Aug, &c. it Continued

Oct. 4. Nov. continued,

Dear Richard Smith,

U. 1766 C. 1^a 18 Sept. 1890

1870

1841

10. 11. 27. by plaintiff

1844

...perpetrated to his ch...

1819. March. 2. 1000. 1000. 1000.

1875 Nov - Aug. 1876, 1877

16. 12. 1811. 11. 12. 13. 14. 15. 16.

11. *Hydrogaster* *Hydrogaster*.

1878 170. Degree Four.

1875

\$2,00,

Due Saml. D. Martin or.
Order Two Hundred Dollars
Value received witness my
hand this 3rd day of
March 1862

C. M. Francis
Cove Creek Arkansas.

C. M.

note

ps

(A.)

2.8

H. S. Morton
Asst. Attorney
D. D. Morton

Filed April 4th 1876.
Jas. W. Orr, clerk.

Virginia

To The Hon John A Kelly Judge of the
Circuit Court of Lee County.

The separate answer of W^m S. Martin
to the bill filed in this honorable Court against
C. M. France and this respondent by one
D. D. Martin. This respondent saving the
right to except to said bill upon its final
hearing for any error of law or fact that
it may contain for answer thereto or to
so much thereof as he is advised it is ma-
terial for him to answer answers and
says that it is true he is indebted to said
C. M. France on which there is a judgment
rendered in the County Court of Lee County
but the collection of this judgment has
been enjoined by your respondent by
two separate suits, one to secure himself
as the surety of said France in a refunding
bond executed by said France to Buy D.
Martin Adm of Buy Dickinson deceased
in which your respondent is informed
and believes that he will sustain heavy
loss or in other words respondent is in-
formed that he will be liable on said
bond for perhaps the full sum that he
owes to said France The other is to
enjoin a part of said sum on account
of a discrepancy in the tract of land which

respondent purchased from said
Hornee and the consideration for
which respondent contracted the debt
which he owes to said Hornee.
It is therefore impossible for respondent
to say whether he is indebted to said
Hornee or not or if indebted how
much. But respondent is of opinion
that when said two suits are fully settled
up - from all the facts in his knowledge
and from information derived from
others who are acquainted with the
circumstances that upon a final
adjustment he will not owe the
said Hornee anything whatever
now having answered he prays
to be hence dismissed with his
costs

Morrison & Duncan
for W. S. Martin.

Virginia her County, to wit

This day W. S. Martin personally
appeared before me J. W. Orr Clerk
and made oath that the facts stated
in the above answer so far as they are
made on his own knowledge are true
and that so far as they are made on
the information of others he believes
them to be true given under my hand
this 3rd day of April 1876.

James W. Orr, Clerk.

Daniel D. Martin

Ptff

vs

J. S. Chancellor.

C. M. France et al.

Defts

This cause came on this 1st day of December 1877 to be heard upon the bill of the complainant & the answer of W^m S. Martin, and was argued by counsel, and it appearing to the Court that the Defendant C. M. France has been duly summoned & appeared against by prohibition for more than 30 days before the first day of this term and that he failing to appear plead answer or demur the bill is taken for confessed as to him, and it is ~~indubitable~~ ^{And it appearing that said France is} indebted so much to the Plaintiff it is therefore ~~for~~ adjudged ordered and decreed that the Plaintiff recover of the Defendant C. M. France the sum of two hundred dollars with interest from the 3rd day of March 1862 till paid, and it further appearing that the Defendant William S. Martin is not indebted to said France the bill is dismissed as to him. The Ptff may have execution against said France if desire the same, and the Cause is stricken from the docket.

Daniel D. Martin

rs ^{1/2} Decree

C. M. France et al.

Carter O. B. page

704. R. W. Orin & Co.

Enter this decree.

Dec 4th 1877

J. A. H.

to be paid in full the sum of \$200. the amount

Virginia

Lee County Court Clerks office the 19th day of Decr 1872.

This day Peter Johnston personally appeared before the undersigned Clerk of Lee County Court and made oath that C. M. France is a nonresident of the State of Virginia, to the best of his knowledge and belief. Given under my hand the day & year aforesaid.

James W. Orr, Clerk.

Agent J Martin

affidavit for O.P.

to Mr. France et al

Filed Dec 19th 1872.

James W Orr. Clerk

\$375.00

Six months after date we bind ourselves heirs &c to pay
Henry J. Morgan for the benefit of Virgin Lodge No 121
1007 Three hundred and Seventy five dollars with
interest from date for value Received with our
hands and Seals this 30th day of Sept 1870

Albert H. Martin

(Seal)

Samuel Dickinson

(Seal)

Note on Loan B. M. & Co. Jan 1 - 1871 for \$200.00

Note owing by Preston Lodge Bal Sept 1st 1870 102.82

~~Note on B. M. & Co. Jan 1 - 1871 for \$200.00~~ 200.00

Cash on bank note on B. M. & Co. Jan 1 - 1871 72.18

\$375.00

1873 Jan 30th. Credit within note by #183.55
the sum of two notes on Jm. Whitehead & M. S. Jayne
together with int on both of said notes to date - said
notes having been executed to M. D. Richmond by said
Jayne & Whitehead & by said Richmond assigned to
Capt D.S. Dickinson & by him to Virgin Lodge No.
121 S. C. O. F.
John B. West, agent &c.

E. S. Martin & D. S.
Dickinson

To { note \$375-

W. Morgan

(17

00

Virginia

In the clerk's office of the County Court of Lee County, the
19th day of December 1872.

Daniel D Martin

Plaintiff

against -

C. M. France and Wm D Martin

Defendants

In Chancery.

The object of this suit is to obtain a decree in favor of the plaintiff against the defendant C. M. France for \$200.00 with interest thereon from the 3rd day of March 1862, till paid, and the costs of this suit, and that the same be paid to him by the said Wm D Martin out of the debt due from him to said France. And it appearing from an affidavit filed in the cause, that the defendant France is a nonresident of the State of Virginia, he is therefore ordered to appear here within one month after due publication of this order, and do what is necessary to protect his interest in this suit.

A copy

Teste - James W Orr, Clerk.

James W Orr Clerk of the County Court of Lee County Virginia
do certify that on Monday the first-day of the January Term
1873 of the County Court of said County, I posted a copy of the
above order at the front door of the Court house of said County,
this the day of January 1873.

James W Orr, Clerk.

Daniel S. Martin

183 Order of Publication

H. M. France et al

Copy mailed to Patriot &
Herald, Decr 19th 1872.

James W Orr, Clerk

The Commonwealth of Virginia,

TO THE SHERIFF, OF LEE COUNTY--GREETING:

WE COMMAND YOU TO SUMMON *C. L. Francis & Ann S. Martin*

to appear before the Judge of our County Court of Lee county, at the Court-House ^{in the Clerk's office, at Rules} on the day of
to be holden for said Court, on *the first Monday in May next, to answer a bill*
in Chancery ~~exhibited in our said Court against them by David S. Martin~~ ^{term next, to answer us of certain things whereof} stand
indicted-for

And have then there this writ. Witness, **JAMES W. ORR**, Clerk of our said Court, at the Court-House,
this *23rd* day of *April*, 187*2*, in the *76th* year of the
Commonwealth.

James W. Orr, CLERK.

10

Daniel T Martin

vs J. Pa in Chancery

C. M. France et al

May Rules 1872.

Presented by C. M. France
to J. M. Martin &
att. for office copy
W. S. Hamilton

VIRGINIA:—In the Clerk's Office of the
county court of Lee county, the 19th
day of December, 1872;

Daniel D. MartinPlaintiff,
against

C. M. France and Wm. S. Martin.....Defts
IN CHANCERY.

The object of this suit is to obtain a decree
in favor of the plaintiff against the defend-
ant, C. M. France, for \$20.00, with interest
thereon from the 3d day of March, 1862, till
paid, and the costs of this suit, and that the
same be paid to him by the said Wm. S.
Martin out of the debt due from him to said
France.

And it appearing from an affidavit filed in
the cause, that the defendant, C. M. France,
is a non-resident of the State of Virginia,
he is therefore ordered to appear here with-
in one month after due publication of this
order, and do what is necessary to protect
his interest in this suit.

A copy—Teste,

jan2-4w

JAS. W. ORR, Clerk.

*va to Wit: We hereby certify
that the annexed notice has
been published in the Marion
(Va) Patriot & Herald for 4 consecutive
weeks as required by law.*

*Gatwood & Thomas
Feb 13, 1873.*

Printers fee \$5.00